

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
AND WELFARE FUNDS,)

Plaintiff,

V.

FLEET LINE TRUCKING
INCORPORATED, an Illinois corporation and
DONNELL LANGSTON, Individually

Defendants.

No. 08 C 1015

Judge Der-Yeghiyan

Magistrate Judge Keys

STATUS REPORT

The Plaintiffs submit the following report of the status of this case:

1. **Meeting:** Neither the corporate defendant or individual has appeared or filed an answer in this case, and no attorney has appeared for either Defendant.
2. **Nature of Claims:** Plaintiffs have requested a 29 USC 1145 audit and the amount found to be due pursuant to the audit against the corporate Defendant, and remaining payments on a defaulted installment note against both Defendants. All claims fall under 29 USC 1145.
3. **Names of Parties not Served:** All parties have been served.
4. **Principle Legal Issues:** Non-payment of benefits owed pursuant to a written agreement covered by 29 USC 1145.
5. **Principle Factual Issues:** Amount owed in audit delinquency, payments made on installment note.

6. Pending Motions: Plaintiffs have filed a Motion for Default and Judgment in Sum Certain set for April 17, 2008. Since the filing of the action Defendants have made 4 of 6 payments remaining on the installment note and have submitted to an audit, although it has not been paid.

7. Discovery: As no appearance has been filed, nor answer filed, no discovery has been served but Defendants voluntarily permitted an audit.

8. Type of Discovery Needed: None; if the Motion for Default and Judgment in Sum Certain is granted.

9. Proposed Dates: None are needed as Plaintiffs have the Motion for Default and Judgment in Sum Certain up on April 17, 2008.

10. When Ready for Trial: Plaintiffs assert that this is not applicable.

11. Probable Length of Trial: Plaintiffs assert that this is not applicable.

12. Jury Trial: A jury trial has not been requested.

13. Settlement Discussions: Defendants have submitted to an audit showing \$17,492.12 owing and the parties have discussed payment of the audit and note. Defendants have two payments remaining on the note totaling \$4,609.63. Plaintiffs have proposed a new installment note combining the audit and note balance. Defendant has not signed it.

14. Magistrate Judge: Plaintiffs do not, as of yet, consent unanimously to proceed before a Magistrate Judge.

Date:

Respectfully submitted,

TRUSTEES OF THE CHICAGO PAINTERS
AND DECORATORS PENSION FUND, et al.,

By: /s/ John J. Toomey
One of their Attorneys

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